

REMARKS

This application has been reviewed in light of the FINAL REJECTION mailed June 19, 2006. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 1 – 3, 6 – 11 and 14 – 16 are pending in the application with Claims 1, 3, 6 – 11 and 14 – 16 being in independent form. By the present amendment, Claims 1, 3, 6 – 11 and 14 – 16 are amended. No new subject matter is introduced into the disclosure by way of the present amendment.

Initially, Applicants thank the Examiner for indicating that all pending claims contain allowable subject matter, thus the claims should be in condition for allowance once the § 101 rejections have been overcome.

I. Rejection of Claims 1 – 3, 6 – 11 and 14 – 16 Under 35 U.S.C. § 101

Claims 1 – 3, 6 – 11 and 14 – 16 are rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Specifically, the Examiner asserts that the claimed invention does not recite a tangible result because the claimed results are simply mathematical constructs.

In response, Claims 1, 3, 6 – 11 and 14 – 16 have been amended to recite: "...said probability generation of the input data being used to detect anomalous data indicative of fraud..." in Claims 1 and 10; "...said histogram being used to detect anomalous data indicative of fraud..." in Claim 6; "...said parameter values being used to detect anomalous data indicative of fraud..." in Claim 14; and "...said degree of outlier being used to detect anomalous data indicative of fraud..." in Claims 7 – 9, 11, 15 and 16. The submitted amendments to the claims are believed to provide the necessary tangible result required by the Examiner's interpretation of 35 U.S.C. § 101.

Regarding the contention that Claims 11 and 14 lack a positive recitation that what is claimed is executed by a computer, the preamble of Claims 11 and 14 has been amended to recite: "...executable by a computer..." thus adequately overcoming the rejection with respect to Claims 11 and 14.

Accordingly, Applicants respectfully request withdrawal of the rejections with respect to Claims 1 – 3, 6 – 11 and 14 – 16 under 35 U.S.C. § 101.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1 – 3, 6 – 11 and 14 – 16 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



Paul J. Esatto, Jr.

Registration No. 30,749

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza - Ste. 300
Garden City, New York 11530
(516) 742-4343

PJE:DAT:jam